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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/001,482	11/01/2001	Charles W. Moorman	CWMM-25,915	1383

31782 7590 07/16/2002  
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EXAMINER

ROSENTHAL, DANIELLE S

ART UNIT PAPER NUMBER

3644

DATE MAILED: 07/16/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Applicati n No.

10/001,482

Applicant(s)

MOORMAN, CHARLES W.

Examin r

Danielle S. Rosenthal

Art Unit

3644

-- The MAILING DATE of this communication app ars on the c ver sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 4 is objected to because of the following informalities: "tub" should be changed to --tube--. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Galbraith (3,390,477). Regarding claim 1, Galbraith discloses a portable arm support containing a saddle 13; fastening straps 14 for securing said saddle to an arm of a user; a support tube 15 having first and second ends, said first end pivotally mounted to said saddle (Galbraith, col. 2, lines 9-13); a pocket member 19 for securing to the user in spaced apart relation from said saddle, and having a cavity 21 for receiving a second end 18 of said support tube. Galbraith discloses the claimed invention except for expressly disclosing a portion of saddle engaging directly against an object. As disclosed the saddle is placed around the upper arm. However, the device is designed with telescoping tubes and thus the device would work equally well if placed on the upper arm. If user 10 were using a different firearm or object than disclosed, it would be necessary for the user to place the saddle on the forearm instead of the upper arm in

order to provide a more secure rest. It is inherently understood that the device is for use with many different types of firearms as indicated by the general description of 12. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Galbraith to include the saddle and straps for use on the forearm and thus for use against an object.

4. Regarding claim 2 and the aforesaid discussion on claim 1, Galbraith discloses the claimed invention further comprising a retaining member 30 for releasably securing the support tube to the saddle.

5. Regarding claims 3 and 11 and the aforesaid discussion on claim 1, Galbraith discloses the claimed invention wherein said support tube is telescopically extensible (Galbraith, col. 2, lines 9-11) and includes an attachment member 23.

6. Regarding claim 4 and the aforesaid discussion on claim 1, Galbraith discloses the claimed invention further comprising at least one latch means 23 for securing said support tube in a selected overall length.

7. Regarding claim 5 and the aforesaid discussion on claim 1, Galbraith discloses the claimed invention wherein said pocket member is secured to a waist belt of the super, said cavity for receiving said support tube faces upwards, and further including a belt fastener strap (Galbraith, Fig. 1).

8. Regarding claim 6 and the aforesaid discussion on claim 1, Galbraith discloses the claimed invention further comprising said saddle having first 26 and a smaller second 27 saddle members rigidly attached to each other and second saddle member having a swivel aperture (Galbraith, Fig. 3) and swivel pin 30.

9. Regarding claims 7, 12, 13 and the aforesaid discussion on claims 3,5, and 6, Galbraith discloses the claimed invention further comprising fastening straps secured to opposite end of saddle, said straps having buckles and apertures to secure to the arm of the user.

10. Regarding claims 8 and 14 and the aforesaid discussion on claims 6 and 12, Galbraith discloses the claimed invention except for disclosing a metal retaining clip. The clip as disclosed seems to be used as an additional means for retaining the saddle to the tube. Thus, it would have been obvious to one having ordinary skill in the art to modify Galbraith to include a metal retaining clip. The motivation for doing so would have been to provide an additional means for securing the saddle to the tube to make the device more secure.

11. Regarding claims 9 and 15 and the aforesaid discussion on claims 6 and 12, Galbraith discloses the claimed invention except for disclosing the specific shapes of the first and second saddles. However, the device in Galbraith would appear to work equally well with the disclosed shape as well as different shapes. Therefore, it would have been an obvious matter of design choice to one having ordinary skill in the art to select different shapes of the saddles.

12. Regarding claims 10,16, 19-20 and the aforesaid discussion on the preceding claims, Galbraith discloses the claimed invention further except for disclosing the specifically claimed swivel pin. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include an L-shaped swivel pin instead of the lug disclosed since the examiner takes Official Notice of the equivalence of the

pins for their use in the art and the selection of any of these known equivalents would be within the level of ordinary skill in the art.

13. Regarding claim 17 and the aforesaid discussion on claim 16, Galbraith discloses the claimed invention further comprising inner and outer tube sections telescopically engaged to each other and an attachment member 23.

14. Regarding claim 18 and the aforesaid discussion on claim 17, Galbraith discloses the claimed invention except for including flexible line as the attachment member. As disclosed, a pin is the attachment member. However, to provide more flexibility any number of attachment members may be used including a flexible line. Therefore, it would have been obvious to one having ordinary skill in the art to modify the attachment member to include a flexible line instead of a pin.

### ***Conclusion***

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

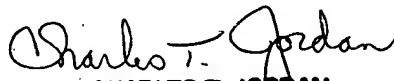
Burnaugh, Jr. (889,658), Vlach (1,348,910), Simmons et al. (5,111,983), Vest (5,351,867), Gray et al. (6,112,448), and Barrett (6,267,335) disclose related arm rests.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Danielle S. Rosenthal whose telephone number is (703) 305-2765. The examiner can normally be reached on M-Th & every other F, 8:00am-5:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Jordan can be reached on (703) 308-2484. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

  
CHARLES T. JORDAN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

Danielle S. Rosenthal *DSL*  
Examiner  
Art Unit 3644

July 10, 2002